

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

BRANDON M. GROSS,)	
)	
Plaintiff,)	
)	
v.)	No. 2:17-cv-00297-JAW
)	
SCOTT R. LANDRY, et al.)	
)	
Defendants.)	

ORDER AFFIRMING RECOMMENDED DECISION

On August 8, 2017, Brandon M. Gross, an inmate with the Maine State Department of Corrections, filed a pro se complaint against Scott R. Landry, the Warden at the Maine Correctional Center, numerous other employees of the Maine Correctional Center, and Correct Care Solutions, LLC and a number of its employees, alleging that he is hearing disabled and that the Defendants discriminated against him due to his disability. *Compl.* (ECF No. 1). After some of the Defendants were dismissed, Mr. Gross was allowed to proceed against others. *Order Affirming the Recommended Decision of the Magistrate Judge* (ECF No. 20).

On November 3, 2017, Mr. Gross moved for an order. *Pl.'s Mot. for Order* (ECF No. 16). On February 16, 2018, Scott Landry moved for summary judgment. *Mot. for Summ. J. of Def. Scott Landry* (ECF No. 30). On May 14, 2018, the Magistrate Judge issued a recommended decision in which he recommended that the Court grant summary judgment in favor of Warden Landry and deny Mr. Gross' motion for order.

Recommended Decision on Def. Landry's Mot. for Summ. J. and Pl.'s Mot. for Order (ECF No. 54).

As the Magistrate Judge's recommended decision indicated, Mr. Gross had fourteen days within which to file an objection to the recommended decision and the failure to do so would constitute a waiver of the right of de novo review by the district court. *Id.* at 12-13. Under the so-called mailbox rule, Mr. Gross' objection to the recommended decision was due on or before June 6, 2018. The Court tugged on the deadline to make certain that Mr. Gross had ample time to file any objection. The Court has concluded that Mr. Gross has decided not to object to the Magistrate Judge's recommended decision.

Even though by failing to object, Mr. Gross waived the right to de novo review, the Court reviewed the entire record and performed a de novo review of all matters adjudicated by the Magistrate Judge's recommended decision and the Court concurs with the recommendations of the Magistrate Judge for the reasons set forth in his recommended decision and determines no further proceeding is necessary.

The Court ORDERS that the Magistrate Judge's recommended decision (ECF No. 54) is AFFIRMED, that Brandon M. Gross' Motion for Order (ECF No. 16) is DENIED, and that Scott R. Landry's Motion for Summary Judgment (ECF No. 30) is GRANTED. The Court ORDERS that JUDGMENT shall issue in favor of Defendant Scott R. Landry and against Plaintiff Brandon M. Gross in his Complaint against Defendant Scott R. Landry.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 25th of June, 2018